

Falls Church, Virginia 22041

File: D2007-281

Date: **MAY 5 2010**

In re: ROSALIND A. KELLY, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

ON BEHALF OF DHS: Eileen M. Connolly, Deputy Chief

The respondent's request for reinstatement to practice will be granted.

The respondent, who has been suspended from practice for 2 years before the Board, Immigration Courts, and the Department of Homeland Security (the "DHS"), sought reinstatement to practice, and the Board denied her motion on March 18, 2010. The respondent filed an "amended" motion for reinstatement, which was construed as a motion seeking reconsideration of the Board's March 18, 2010, order. The pending motion was opposed by the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR), and was denied by the Board on April 13, 2010. That same date, the respondent again sought reinstatement, in a filing which will be considered a motion to reopen.

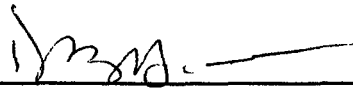
On October 19, 2007, the respondent was suspended from the practice of law in Texas for 2 years, effective November 16, 2007, until November 15, 2009. Consequently, on December 4, 2007, the Disciplinary Counsel for EOIR petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency. Therefore, on December 14, 2007, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. After the respondent failed to file an answer to the allegations contained in the Notice of Intent to Discipline, the Board on March 20, 2008, suspended the respondent from practice for 2 years before the Board, Immigration Courts, and DHS. Previous requests for reinstatement were denied by the Board, because although the respondent was reinstated to practice law in Texas, she still failed to show that she met the definition of attorney as set forth at 8 C.F.R. § 1001.1(f). That is, the respondent had been suspended from practice by the United States Court of Appeals for the Fifth Circuit. 8 C.F.R. § 1003.107(a).

The respondent now presents an April 1, 2010, order of the Fifth Circuit reinstating her to the bar of that court. The EOIR Disciplinary Counsel does not now oppose the petition for reinstatement, observing that the respondent now appears to meet the regulatory definition of attorney, and "... the EOIR Disciplinary Counsel would not object to respondent's reinstatement only in so far as she appears to meet the regulatory criteria for reinstatement set forth in 8 C.F.R. § 1003.107(a)". The respondent will be reinstated to practice.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or Board, she must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which she was formerly counsel, prior to her suspension.

A handwritten signature in black ink, appearing to be "J. M. A.", is written above a horizontal line.

FOR THE BOARD